

E) 48. (New) The valve assembly of claim 47, wherein the first valve includes an input and an output and the second valve includes an input and an output, the output of the first valve being in fluid communication with the input of the second valve.

49. (New) The valve assembly of claim 48, further including a hydraulic device in fluid communication with the output of the first valve and the input of the second valve.

Cf 50. (New) The valve assembly of claim 47, wherein the first valve includes an input and an output and the second valve includes an input and an output, the input of the first valve being in fluid communication with a reservoir and the output of the second valve being in fluid communication with the reservoir.

51. (New) The valve assembly of claim 47, wherein the lever has a first position in which the first valve is in the first position and the second valve is in the second position, the lever having a second position in which the first valve is in the second position and the second valve is in the first position.

52. (New) The valve assembly of claim 51, wherein movement of the lever from the first position to the second position is independent from movement of the second valve.

53. (New) The valve assembly of claim 47, the lever having a third position in which the first valve is in the first position and the second valve is in the second position

54. (New) The valve assembly of claim 53, wherein movement of the lever from the first position to the third position is independent from movement of the first valve.

REMARKS

The Examiner failed to consider German and French references from the information disclosure statement filed by the Applicant. The Applicant notes that English translations are not available for the references in question. English translation abstracts are enclosed herein as Attachment B. The abstracts combined with the figures of the respective patents represent the best knowledge about the content of the patents. The Applicant also notes that the two foreign patents were cited and considered by Examiner Keasel in the parent of the present case, now U.S. Patent No. 6,352,240.

The Examiner has objected to the specification for failing to provide clear support for the claim terminology. Specifically, the Examiner objected to the use of the terms “a device” and “a support device.” The word “device” is defined as “A contrivance or an invention serving a particular purpose.” *The American Heritage® Dictionary of the English Language, Fourth Edition, 2000.* “Device” is a generic term that means “an instrumentality invented for a particular purpose.” The generic term is made more specific by telling the purpose that the device fulfills (a device for positioning the bed) and through the use of adjectives that describe what type of device it is (a support device). Furthermore, “device for positioning a bed” describes a class of devices of which cylinders 42, 56, and 66 as described in the specification are included. The specification is filled with descriptions and references to the cylinders 42, 56, and 66 positioning the bed 10. Likewise, “a support device” refers to a class of devices capable of supporting people or things thereon of which a “patient support device” is included as mentioned in the second paragraph of the Background and Summary of the Invention. Furthermore, the second paragraph of the Background and Summary of the Invention states that “patient support devices” is a class of devices in which hospital beds and stretchers are included. The mere fact that it is not explicitly stated in the specification that “a hospital bed is a device” does not render the specification or the claims unclear.

With respect to the related §112 rejections, the Examiner first rejected claim 21 for reciting the claimed invention as “[a] valve assembly for a hospital bed” and then “appear[ing] to positively recite ‘a device for positioning the bed’ as a component thereof. Claim 21 has been amended so as to not positively recite “a device for positioning the bed.” Claim 21 recites that the valve assembly includes “a manifold having ... an outlet configured to connect to a device for positioning the bed.”

Claim 40 has been similarly amended.

Prior Art Rejections

U.S. Patent 5,529,281

Claims 21, 25-26, and 40 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,529,281 to Brudnicki et al. (hereinafter “Brudnicki”). Brudnicki relates to a Dual-Latching Solenoid-Actuated Valve Assembly. Brudnicki

includes a cylindrical housing assembly 12 including an inlet portion 18, and outlet portion 20, and an opening 14 that has a tube 40 positioned therein. The housing assembly 12 also includes a pair of concentric solenoidal electromagnetic windings 27, 30 and a manual toggle lever 56. Either the lever 56 or the windings 27, 30 can move the tube 40 within the opening 14 to open and close the valve assembly 10.

1. Claim 21

Claim 21 requires and Brudnicki fails to disclose “a solenoid connected directly to the valve to move the valve between the first and second positions independent of the lever.” Specifically, Brudnicki states:

“Because the toggle always moves in unison with the tube, the lever 56 provides a visual indication of the position of the valve.”

Brudnicki, Col. 3, lines 49-51.

Therefore, the valve of Brudnicki does not move independent of the lever. As such, claim 21 and dependent claims 22-27 are not anticipated by Brudnicki.

2. Claim 40

Claim 40, like claim 21, requires “a solenoid connected directly to the valve to move the valve between the first and second positions independent of the lever.” For the reasons set forth above regarding claim 21, claim 40 is not anticipated by Brudnicki.

U.S. Patent No. 5,529,281 and U.S. Patent No. 5,487,493

Claims 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brudnicki in view of U.S. Patent No. 5,487,493 to McNabb (hereinafter “McNabb”). The Examiner stated that it would have been obvious to use the lock of McNabb on the valve assembly of Brudnicki. The housing assembly 12 of Brudnicki includes a pair of concentric solenoidal electromagnetic windings 27, 30. The solenoidal electromagnet, when activated, acts upon permanent magnets 50, 51 to open and close the valve assembly 10. When the solenoid is not activated, the permanent magnets 50, 51 latch an armature 44 and tube 40 in the open or closed valve position, whichever position the armature 44 and tube 40 have previously been set in. The permanent magnets 50, 51 hold with a force of approximately 14 pounds. A manual toggle lever 56 is provided to override the permanent magnets 50, 51

when more than 14 pounds of pressure is applied thereto. Either the lever 56 or the electromagnetic windings 27, 30 can move the tube 40 within the opening 14 to open and close the valve assembly 10. Once the tube 40 is positioned, the permanent magnets 50, 51 hold the valve in either the open or closed position. Accordingly, even assuming McNabb could be properly combined with Brudnicki, there is no need to provide a lock on the manual toggle lever 56 to hold the position of the valve. In other words, there is no motivation to combine the lock of McNabb with the valve of Brudnicki. Therefore, the Applicant respectfully requests withdrawal of the rejection of claims 22-24 based on Brudnicki and McNabb.

Final Remarks

The applicant believes this application is in condition for allowance in its present form and respectfully requests that the Examiner so find and issue a Notice of Allowance in due course. The Examiner is asked to call the Applicant's attorney, Ryan C. Barker, at (317) 684-5295 to address any outstanding issues to further expedite the prosecution of this application for all parties.

If necessary, the Applicant requests that this Response be considered a request for an extension of time for a time appropriate for the response to be timely filed. The Applicant requests that any required fees needed beyond those submitted with this Response be charged to the account of Bose McKinney & Evans, Deposit Account Number 02-3223.

Respectfully submitted,

BOSE MCKINNEY & EVANS LLP



Ryan C. Barker
Reg. No. 47,405

Indianapolis, Indiana
(317) 684-5122

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Attachment A

21. (Amended) A valve assembly for a hospital bed including:
a manifold block having an inlet, an outlet [connected] configured to connect
to a device for positioning the bed, and a conduit in fluid communication with the inlet
and with the outlet;

a valve having a portion movable within the conduit between a first position
inhibiting fluid communication between the inlet and the outlet, and a second position
permitting fluid communication between the inlet and the outlet;

a lever connected to the valve to permit manual movement of the valve
between the first and the second positions, the lever being located entirely outside
the conduit; and

a solenoid connected directly to the valve to move the valve between the first
and second positions independent of the lever in response to an electrical input to
the solenoid.

40. (Amended) A valve assembly for a support device, including:

a manifold having an inlet, an outlet [connected] configured to connect
to a device for positioning the support device, and a conduit in fluid communication
with the inlet and the outlet;

a valve having a portion movable within the conduit between a first
position inhibiting fluid communication between the inlet and the outlet, and a second
position permitting fluid communication between the inlet and the outlet;

an actuator connected to the valve to permit manual movement of the
valve between the first and the second positions, the actuator being located entirely
outside the conduit; and

a solenoid connected directly to the valve to move the valve
between the first and second positions independent of the actuator in response to an
electrical input to the solenoid.

Attachment B